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EX PARTE OR LATE FILED

July 13, 1999

EX PARTE PRESENTATION

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
445 - 12th Street, S.W., TW-A325
Washington, DC 20554

Re: *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996,* CC Docket No. 96-98

Dear Ms. Salas:

Submitted in duplicate on behalf of Trillium Cellular Corp. is certain information supplementing its analysis in its Joint Comments in Response to Second Further Notice of Proposed Rule-making (the "Joint Comments"), dated May 26, 1999. In a briefing of the staff of the Common Carrier Bureau concerning the Joint Comments on July 12, 1999, the question was posed as to how the implementation of Extended Local Calling Areas (ELCAs) through the Shared Transport network element (when combined with local and tandem switching elements) could be recon-ciled with the Commission's definition of the Local Switching network element to include a non-traffic sensitive line port component (Section 319(c)(1)(i)(A) of the rules), and with the Commission's subsequent decision in the *Order on Reconsideration*[1] to establish a flat-rated proxy charge for the line port component of Local Switching. The further questions were posed as to whether Trillium was requesting the Commission to subdivide the Local Switching network element into traffic sensitive and non-traffic sensitive components for purposes of combining with the Shared Transport network element, and, more generally, whether the continued availability of the Local Switching network element on an unbundled basis is essential to using Shared Transport to implement ELCAs, as advocated in the Joint Comments. Trillium's responses to these questions are set forth below.

First, if it is necessary to do so, there is a simple way to reconcile the non-traffic sensitive line port component of Local Switching with using Shared Transport to implement ELCAs. This issue might arise if an ILEC insists that a requesting cellular carrier must purchase the line port component of Local Switching on a flat-rated basis per line, notwithstanding that the landline

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[1] *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996 (First Order on Reconsideration),* CC Docket No. 96-98, 11 FCC Rcd 13042 (FCC 1996) (subsequent history omitted).

party calling a cellular mobile has already purchased this component of Local Switching as part of its local exchange service obtained directly from the ILEC.[2] If the ILEC insists upon imposing the flat-rated charge for the line port, the requesting carrier would simply exercise its right to not purchase the Local Switching network element at the originating end office. That is, purchasing Local Switching on an unbundled basis at the originating office for a land-to-mobile call is not essential to implementing an ELCA, because the landline party has already purchased this functionality, including routing of the call to the cellular carrier,[3] as part of the landline caller's local exchange service obtained from the ILEC. By not purchasing the Local Switching element at the originating end office, therefore, the interface between the local exchange service of the landline calling party and the cellular service provided by the requesting carrier is moved from the loop termination on the line side of the ILEC's local switch to the interoffice trunk termination on trunk side of the local switch.

In its *Third Order on Reconsideration (TOR)*,[4] the Commission expressly held that "[a]lthough . . . shared transport is physically severable from switching, incumbent LECs may not unbundle switching and transport facilities that are already combined, *except on request by a requesting carrier.*" (*TOR* at ¶44). (Emphasis added). Therefore, the requesting carrier does retain the option under appropriate circumstances to decline to purchase unbundled Local Switching as part of Shared Transport. Similarly, while it is *generally* true that the Shared Transport network element by itself has no practical value to a requesting carrier without the Local Switching element as well (*see, e.g., TOR* at ¶42), that is not true when a cellular carrier utilizes Shared Transport to implement an ELCA, as shown above.

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[2] An ILEC would do so, of course, only for anti-competitive purposes, in a transparent attempt to thwart cellular carriers from implementing ELCAs. The ILEC rationally could either charge the requesting cellular carrier only for the traffic sensitive component of Local Switching, since the line port is not needed for this particular application, or the ILEC could establish a Minute of Use (MOU) charge for the line port component. Either alternative would avoid any problem altogether.

[3] Type 2A and Type 2B interconnection arrangements both involve the assignment of a dedicated NXX code to the cellular carrier, for which routing instructions are contained in the LERG. Therefore, unlike a typical CLEC desiring unbundled Local Switching, a cellular carrier does not need to purchase routing functionality for land-to-mobile calls in an ELCA.

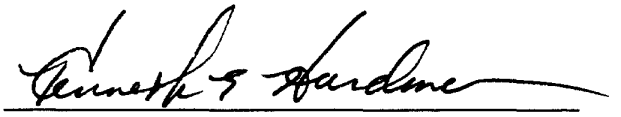
[4] *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996 (Third Order on Reconsideration and Further Notice of Proposed Rulemaking)*, CC Docket No. 96-98, 12 FCC Rcd 12460 (FCC 1997) (subsequent history omitted).

Subdividing the Local Switching element into traffic-sensitive and non-traffic-sensitive components, and requiring ILECs to offer them on a combined or separate basis, at the election of the requesting carrier, obviously also would be a simple and entirely suitable resolution of the underlying problem. Thus, while Trillium believes that subdividing Local Switching is not absolutely necessary, it certainly would be a very desirable resolution of the issue which Trillium would strongly endorse. The most important point in this regard is that the Commission make clear that ILECs must offer Shared Transport to cellular and other wireless carriers for the purpose of implementing ELCAs, and that ILECs do *not* have the option of frustrating this service offering. Once that fundamental obligation of the ILECs is made clear and unambiguous, Trillium believes that any remaining details can be worked out during the negotiations process.

Finally, while Trillium believes that Local Switching should continue to be available on an unbundled basis, should the Commission decide otherwise the absence of Local Switching would *not* be fatal to the use of Shared Transport to implement ELCAs. As shown above, the absence of the Local Switching element at the originating ILEC central office in a land-to-mobile call merely shifts the interface between the local exchange service of the landline calling party and the cellular service of the called party from the line side of the ILEC switch to the trunk side of the ILEC switch. If the cellular carrier has a Type 2A interconnection, the originating end office is the only Local Switching involved in handling the call, because the Type 2A interconnection terminates at the tandem office and not an end office. Thus, although *tandem* switching must continue to be unbundled in order for Shared Transport to be practicably useful in establishing ELCAs, the Local Switching element is not absolutely necessary.

Respectfully submitted,

TRILLIUM CELLULAR CORP.

By: 
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